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an Advocate for Idolatry at Madrass, by *Ram Mohun Roy*, printed at Calcutta in 1817. The works, which we have above mentioned, with some others by the same author, called forth an answer, it seems, from some person in Madrass, whether a native or European it is uncertain, though there are some reasons to think the latter. What motive a christian could have, however, for writing in defence of idolatry cannot be so easily determined. But whoever may have written it, Ram Mohun Roy has returned a very spirited and a very satisfactory answer. In this he exposes anew the pitiable delusions of his countrymen, the indecency and wickedness of their religious ceremonies, and the wretched effects, which they produce on their morals and happiness.

We have dwelt the longer on this subject, because it is novel, at least in this country, and because it is likely hereafter to attract much attention. Ram Mohun Roy is not a christian, it is true, but the doctrine he inculcates differs very little from the christian doctrine respecting the nature and attributes of the Deity. It is the same in its spirit and objects. If he can introduce it among his countrymen, it will be a great step taken towards advancing the cause of christianity in the East. It will be taking down one of the strongest barriers, which the christian missionaries have to surmount. New facilities will be offered for prosecuting their benovolent and indefatigable labours; and by the use of these means, and the aid of Divine Providence, we have more reason, than we ever have had, to hope for a permanent and happy change in the moral condition of a large and populous section of the globe.



### *Boundaries of the United States.*

THE decision of the commissioners under the treaty of 1794 did not terminate the disputes between Great Britain and the United States on their Eastern frontier. The duty assigned to those commissioners, and which, when finished, terminated their authority, was to ascertain the true river St. Croix, intended by the treaty of 1783, and to determine its source and its mouth. The mouth of the river was found to be at Joe's point, and of course any territory below that place, in dispute between the parties, could not then be assigned to the one or the other.

Accordingly Judge Benson, one of those commissioners, in his manuscript report already quoted, has the following remarks ;—‘There is still a question concerning the boundary between the two nations in that quarter, and originating also in the treaty of peace ; but partaking of the nature of an omitted case, it can be settled only by negotiation and compact.’

‘The treaty supposes the St. Croix to empty immediately into the bay of Fundy, and of course, that there would be an entire seaboard boundary, if it may be so expressed, between the termination of the Southern and the commencement of the Eastern boundary of the United States ; and it also intended that where the Eastern boundary passed through waters which were navigable, both nations should equally participate in the navigation. The question then is, how is this boundary in the intermediate space between where the mouth of the St. Croix has been decided to be, and the bay of Fundy to be established most consistent with the treaty ?’ And the judge then suggests the propriety of a line running from Joe’s point, by what is commonly called the Eastern or Ship channel, between Deer and Campo Bello islands. This he thinks would be a proper line, but that the authority of his commission did not enable him to establish it.

The islands in the bay of Passamaquoddy, and Grand Menan in the bay of Fundy, are all below the termination or mouth of the river, and lie in waters, through which the commissioners above named presumed no demarcation of boundary had been made by the treaty.

In a communication to congress, immediately after the decision of those commissioners, the president of the United States alludes to the remaining questions yet open between the two nations, and adverts to the several ‘very valuable islands in those bays,’ the jurisdiction to which remained yet to be determined.

While the American government thus considered the islands as not definitely assigned to either of the two nations, the British government claimed the whole as belonging to their province of Nova Scotia, and of course, as being excepted by the terms of the treaty of peace from the general clause of confirmation, by which all other islands within twenty leagues of the coast were annexed to the United States.

The Duke of Portland, in a letter to the British minister in the United States, expressed very fully this idea ; and the king’s advocate in New Brunswick distinctly maintained the

same thing in the trial of a cause before the judicial tribunals of that province, in which the question was necessarily discussed.\*

It is exceedingly plain, that if the islands did not lie in a river, the question of jurisdiction could not be fairly settled by a reference to those principles, which apply to islands in a river of boundary. It is also manifest, that, as they are all within twenty leagues of the coast of the United States, that all of them must belong to the American government, unless the exception in the treaty of peace, reserving to Great Britain all the islands then or before belonging to Nova Scotia, applied to these islands or some of them.

At the time of the decision of the commissioners under the treaty of 1794, the United States were in quiet and peaceable possession of Moose, Dudley and Frederick islands ; and Great Britain had the same authority in all the others. The town of Eastport had been incorporated by the government of Massachusetts, and was then a flourishing village on Moose island, holding the two smaller islands as its appendages, while a British settlement had for a long period been established on the other islands of the bay of Passamaquoddy.

It is exceedingly probable that this divided possession arose from the presumption that the river had its real mouth at West Quoddy head, and that the islands were in a river, and not in a bay. Of course that they belonged to the two nations respectively, as they were on the one or the other side of the dividing stream.

This was the view originally taken by the first American settlers, and countenanced by the authority of the state government ; and the agent of the United States before the commission so often referred to, explicitly states that he considered the mouth of both rivers, that is, the St. Croix and the Baguadavie, to be below the islands, or at least, whatever might be the geographical fact, that West Quoddy head was the place intended in the treaty of peace, as the mouth of the St. Croix.

The provisional government of New Brunswick did not appear to consent to this position ; but legislated for all the islands in the bay, as being part of their county of Charlotte, and as forming the parish of West Isles. The possession, however, of Moose island by the Americans, although at first

\* Case of Leonard, libellant, vs. Sloop Falmouth, in the Vice Admiralty Court of New Brunswick,—pamphlet.

resisted by the subaltern officers of the province of New Brunswick, was not made the subject of any formal remonstrance, and the United States were in the quiet possession of it until the island was captured by a military force in the late war. The town of Eastport was not only incorporated as one of the towns of Massachusetts, but was regularly taxed for the support of that government, and sent its representatives to the general court, until the military force of Great Britain captured and took possession of it, as before mentioned, which possession they still retain.

This disputed title and arrangement of boundary did not fail to attract the attention of the two governments, 'as a question of negotiation and compact.' In 1803, in the convention between the United States and Great Britain, negotiated by Lord Hawksbury and Mr. King, Moose, Dudley and Frederick islands are adjudged to belong to the United States—and all the others in the bay of Passamaquoddy belong to Great Britain—nothing is said of Grand Menan. This convention was rejected by President Jefferson, but probably not because of any dissatisfaction relative to the Eastern boundary. In the treaty, negotiated by Messrs. Monroe and Pinckney, ministers of the American government in 1806, the same provision is made ; but as that treaty was not ratified, the arrangement became ineffectual. Nothing is said in this last treaty relative to Grand Menan. The American ministers were specially ordered to insist upon it as clearly within the American lines, and were told that if it had before been known, that it had been in the possession of Great Britain, an early requisition would have been made for it. Difficulties however were presented in the prosecution of this demand for Grand Menan, which induced the American ministers to forbear to insist upon any article in regard to it. Their own letter contains an explanation of the rights of their country as understood by them, and of the difficulties presented in the obtaining of those rights to the territory in question. It is to be found in the American State Papers.

In this situation the country remained until Eastport was captured in the late war, and on that occasion, it was distinctly admitted by the British commanding officer, in a letter to the American general of militia on the lines, that the possession was taken as of British territory, and not as a military occupation of any part of the acknowledged limits of the United States.

The treaty of Ghent, which restored peace to Great Britain and the United States, provided an international tribunal for the perfect settlement of this disputed title, and for the actual delineation of the other treaty boundaries of the country.

Three independent boards of commissioners were established by that treaty. To the first was assigned the duty of ascertaining to whom the several islands in the bay of Passamaquoddy, and Grand Menan in the bay of Fundy belonged, by virtue of the treaty of 1783. This board consisted of two commissioners, one appointed by each of the contracting parties. No umpire, as in the former case, was to be called to their assistance. If the commissioners so appointed agreed in opinion, their decision was to be binding and conclusive on both nations. If they disagreed in part or in whole, separate reports were to be made to the two governments, and 'some friendly sovereign or state, to be then named for that purpose,' was to determine the controversy.

In pursuance of the provisions of the treaty in this respect, his Britannick Majesty appointed his former commissioner, the Honourable Thomas Barclay, to be a commissioner under this article, and the President of the United States, by and with the advice and consent of the Senate, appointed the Honourable John Holmes, of Alfred in the District of Maine, and then a member of the Senate of Massachusetts.

The claims of the British government were confided to the management of the Honourable Ward Chipman, judge of the Supreme Court of New Brunswick, and those of the United States, to James Trecothick Austin, Esq. a counsellor at the bar of Massachusetts.

The commission was opened at St. Andrews on the 24th of September 1816, immediately after Colonel Barclay's appointment was communicated to the American government. Each of the agents claimed, for their respective governments, all the islands in dispute.

The claim of the British nation was founded on the assertion, that at the peace of 1783 these islands were an integrant part of the province of Nova Scotia, and as such, specially excepted from the limits assigned to the United States.

The Nova Scotia intended in the treaty of 1783 was said to be that province, erected and described in certain letters patent, granted by King James I. in 1621, to Sir William Alexander, master of requests for the crown of Scotland, which

charter, it was contended, actually enclosed all the islands in question.

The American agent denied that any title could be deduced from the letters patent above mentioned, which, he contended, were void *ab origine*, and had been obsolete, derelict and neglected by all nations, but especially by the predecessors of his present Britannick Majesty—that in point of fact the letters patent did not include any of the islands—that a remarkable exception was to be found in the description of territory therein set forth, plainly proving an intention not to assign them to Alexander, and that in fact, from the date of the grand charter of Plymouth, they were a constituent part of the territories now forming the Commonwealth of Massachusetts, and had been acknowledged as such by Great Britain on numerous occasions, in grants, charters, cessions, publick letters and treaties.

The extensive field thus opened for examination was diligently explored by both the agents, in a very copious analysis and discussion of every publick act, and most of the charter transactions, which had the eastern territory for their object; and occupied the attention of the commissioners until the 24th day of November 1817, on which day the board agreed in a decision on all the questions before them. This decision has terminated all the disputes heretofore existing on the subject. The opinion and judgment of the commissioners has been communicated to the respective governments of Great Britain and the United States, and has ascertained and determined that Moose, Dudley and Frederick islands do belong to the United States, and that all the other islands in the bay of Passamaquoddy, and Grand Menan in the bay of Fundy, do belong to Great Britain, by virtue of the treaty of peace of 1783.

If neither party obtains all it had asked, both will probably be well satisfied with the decision. In point of interest, it is vastly more important that the question be settled, and the possessions of the two governments ascertained, than that one or the other nation should acquire an increase of territory. This arrangement places the two countries in the same state in which they were before the late war, and prevents all future uncertainty and doubt on this important frontier. It is probable that the commissioners assumed the office of negotiators rather than judges, and were more like referees dividing a matter of doubtful right, than adhering to

the strict letter of law, by which alone that right could be ascertained.

In one respect it fails of being as satisfactory as the convention or treaty by which the line was formerly settled.

By those negotiations a permanent right of navigation was secured to the citizens of the United States through the Eastern or Ship channel, between Deer island and Campo Bello. To do the same in this case was beyond the authority of the present commissioners, whose duty was limited to ascertaining the right to the islands, and did not extend to the decision of any question of water privilege; which must be governed by principles of national law applicable to the case. The Eastern passage is at times the only one and always is the best passage way for ships though the bay of Passamaquoddy and into the river St. Croix. Its free navigation, essential to the enjoyment of the use of the river, has always been claimed by the United States. Their ministers have been instructed to provide for their interests in this passage way; and it has been of as much or more importance than the possession of Grand Menan. Since the capture and occupation of Moose Island, an English sloop of war has occasionally been stationed there, and American vessels prohibited from passing.

The reason why an exclusive right was assumed by the British government was assigned to be, that this was a passage between two islands, both of which belonged to Great Britain, and therefore was exclusively hers. That it was not the only, although it was the best passage, and there being another, which was practicable, no inconvenience attending it could give the Americans a right of using this. If the water between Deer Island and Campo Bello had been in fact a river, the opposite shores of which belonged to Great Britain, there could be no doubt that her principle was correct, it being an undoubted doctrine of national law, that a river in the territories of a nation, is as much its exclusive property as the land, and it is only a *river of boundary*, where two nations possess respectively one of the banks, that gives to both a common right of navigation.

But the passage way between Campo Bello and Deer Island is not in a river, but in a bay; and it may well be doubted whether the law, applicable to the former, can with any propriety be applied to the latter. Not only is this passage way in a bay, but it is in the grand bay of Fundy, described by the early navigators, and now very commonly known to be 'more properly a part of the sea or ocean.'



It had indeed heretofore been considered, that these islands and the passage way between them were in the bay of Passamaquoddy, which being an interior and smaller bay, distant from the ocean, and connected with the coasts of the continent, had all the jurisdictional properties of a river; and that a free navigation of it might be attended with evils similar to those, which would follow from an admission of foreign vessels, as a matter of right into the rivers of a country.

But the treaty of Ghent has contradicted this supposed geographical fact. It has in express words declared, that the bay of Passamaquoddy is part of the bay of Fundy; and no reason can be assigned for this assumption and declaration, but that it was intended to make the waters, formerly called Passamaquoddy, as free and common, as those of any other part of the bay of Fundy.

Now the passage way between New Brunswick, and Grand Menan in the bay of Fundy has never been claimed by Great Britain as exclusively hers, because she possessed in full sovereignty the opposite coasts; neither can she claim the passage way between Deer Island and Campo Bello, lying in the same bay. So long as the treaty of Ghent is in force, all the islands and the passage ways between them, heretofore in dispute, are in 'the grand bay of Fundy, or more properly a part of the sea or ocean,' and no exclusive right of navigating those waters can be claimed by any particular nation.

On this ground we presume, notwithstanding the decision of the commissioners, assigning Campo Bello and Deer Island to Great Britain—the vessels of the United States will have a perfect right to navigate by the Eastern or Ship channel, as freely, as on any other part of the ocean.

To put the question however beyond dispute, as far as was practicable, the commissioners addressed a joint letter to the two governments of Great Britain and the United States, in which they declared that their decision was founded on the presumption of an existing right in each of the two nations freely to navigate by this channel, notwithstanding the sovereignty of Great Britain over the islands lying contiguous and on each side had been expressly allowed.

It is seriously to be hoped, that no new dispute will arise on this point, since all others in that quarter have been amicably settled, and that the liberality and accommodating spirit of the commissioners will be transferred to the ministers of

the two nations, if any further diplomattick arrangement is found either necessary or expedient.

The English forces still hold a military possession of Moose Island and its dependencies, but it is understood that arrangements are in train for their removal, and that early in the ensuing spring, the place will be restored to the jurisdiction of the United States, and be once again under the local authorities of Massachusetts.

Thus has happily terminated a second tribunal, instituted by two great and independent nations, for the settlement of important interests in dispute between them; interests far greater than many which history has recorded as the foundation of long protracted and destructive wars. An example is thus given to the world, which it is hoped may be powerful enough to supercede that rash resort to arms, which has too often wasted, in the progress of desolation, more than all the objects of the contest were worth.

The other commissioners provided in the treaty of Ghent, are not so much to settle disputes as to prevent them.

The lines of territory recited in the treaty of peace of 1783, were never actually drawn upon the land, but were described from the best maps then existing, but now known to be very inaccurate. To explore the frontiers together, and to fix muniments of boundary by common consent, had become a very necessary duty in order to prevent conflicting grants and unintentional trespasses. Accordingly this duty was divided into two parts. The commission established by the fifth article of the treaty of Ghent was to run the boundary line due north from the source of the river St. Croix to the northwest angle of Nova Scotia, thence along the highlands which divide those rivers, that empty themselves into the river St. Lawrence, from those which fall into the Atlantick ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river to the 45° of north latitude, thence by a line due west on said latitude until it strikes the river Iroquois or Cataragua—to make a map of said boundary—declare it under their seals to be a true map, and to particularize the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut river, and of such other points of the said boundary, as they may deem proper.

Under this article the British government appointed the same commissioner as in the former, and appointed the same

agent jointly with his son, Ward Chipman jun. Esq. a counsellor at law in New Brunswick. The American government appointed Cornelius P. Van Ness, Esq. of Vermont, commissioner, and William C. Bradley, late member of congress from the same state, as their agent. This board met at St. Andrews on the 24th of September, 1816, but the season being then too far advanced to commence the survey, they adjourned to the first of June. At this time the necessary parties were arranged, and instructions given to them, and the summer was occupied by these parties, and the result of their proceedings will be submitted to the commissioners in May next in the city of New York.

The extent of the duty assigned to this board will necessarily consume much time before the objects of their appointment can be attained. A common opinion has prevailed, relative to this line from the head of the St. Croix to the highlands, which has not hitherto given rise to any practical evil, and has generally been represented the same in the modern maps, published both in England and America. Since this subject has been before the commissioners, two maps have been published, which trace a line of boundary essentially different from what had been supposed before to be correct. We allude to Col. Bouchette's map of Canada, and Purdy's map of Cabotia, both of them elegantly executed, and apparently not without the approbation of high authority. The lines, drawn on these maps, curtail the limits of Massachusetts on the eastern frontier, and place the whole of the river St. Johns within the British dominion.

It is not understood, that any claim has been made by the English agent in correspondence with the new lines thus described. In fact, the official surveys have not been sufficiently advanced, to permit any claim of any kind. What the English possessions may eventually be will rest on the report of the surveyors; and the point assumed by the commissioners, as the dividing line on the highlands.

The eastern boundary line of the United States has always been drawn due north from the source of the St. Croix, crossing the St. Johns at about  $47^{\circ}$  north latitude, and thence running in the same direction about forty six miles, until it met the highlands supposed to be intended by the treaty.

There are many inconveniences in this course. For a considerable part of the line the river St. Johns is just on the border, but not within the limits of the United States, and its

waters will of course remain closed to her navigation, if ever a settlement in that part of the District of Maine should render the use of them desirable.

The communication also between New Brunswick and Quebec is obstructed, and the passage of the English mail is over part of the territories of the United States.

This inconvenience was so great, that at the first negotiation at Ghent the English commissioners proposed a revision of the boundary line so as to secure to Great Britain the desired communication, and intimated that it must be done by a cession to Great Britain of that part of the District of Maine, which intervenes between New Brunswick and Quebec, and prevents a direct communication. The inadmissibility of that proposition at the time, and under the circumstances in which it was urged, is apparent, but in the tranquillity of peace it is not unlikely that a change of boundary might be made essentially beneficial to both parties.

Thus, if the boundary line, instead of being drawn due north to the highlands, was made to meet the St. Johns at the highest point above the actual English settlements, and the river, instead of an arbitrary line, become the division between the two countries to the 47° north latitude, the United States would gain an addition of territory important in position, though not of any considerable magnitude, while the English possessions on the left bank would still have access to the water, and lose no material advantage. In exchange for this, the new boundary on the north might be drawn from some point in the river by a straight line to the province of Lower Canada, and thus a direct communication between her two provinces be opened to Great Britain, without any inconvenience to the United States.

The detail of such a plan would require accuracy and attention. The general principles only are stated above, on which such a negotiation might be pursued.

But as the territory in this vicinity is of importance to Great Britain, as the means of opening a free communication between her provinces, another object could be mentioned, for which it may possibly be considered as an equivalent in exchange.

The right of fishing within the marine league on the coast of Nova Scotia, it is maintained by Great Britain, was lost to the United States, when by the late war the treaty of 1783 was annulled.—If so, this territory, or a right of way

over it, may present the means of obtaining the renewal of the privilege; and the consent of Massachusetts would probably not be withheld for an equivalent in which her enterprising citizens have so deep an interest.

Some preparations are making, which indicate an attempt by Great Britain to obtain more than would be necessary for the above purposes under the 5th article of the treaty of Ghent, and Col. Bouchette, in his history of Canada, lately published, has stated his reasons in full for the expectations of annexing the territory in question to New Brunswick, by virtue of the treaty of 1783. But little confidence can be placed on these opinions; at least several years must elapse before the questions under that article can possibly be settled.

The remaining board of commissioners established by the treaty of Ghent, were directed to run the boundary line from the point where the 45° north latitude strikes the Iroquois or Cataraqua, to lake Superiour, as it was declared by the treaty of peace of 1783, and to decide to whom the islands in the lakes and rivers, through which the line passes, do severally belong.

General Peter B. Porter was appointed commissioner, and Samuel Hawkins, Esq. agent for the United States; and John Ogilvie, Esq. commissioner on the part of Great Britain. They met at St. Regis, and established by accurate astronomical observation the point of the 45° north latitude, and afterwards, by careful admeasurement and surveys, described the boundary towards lake Ontario. It is understood that no material alteration has been made in the line heretofore considered as the true boundary. The latitude line described in the treaty of 1783, to be run from Connecticut river to the St. Lawrence, is to be protracted by the commissioners under the 4th article, who have not yet commenced that duty. This line was supposed to have been settled soon after the peace, and divides the actual settlements of the two countries. It was formerly run with great attention and care, but, as is recently said, without the aid of good instruments, and that of course it is incorrect, being a waving and not a straight line. If there be an error, it will now be corrected. Nor ought any party, who may on the final admeasurement of it lose any part of its present possessions, to be in the least dissatisfied. The true boundary is described in the treaty of peace. The location of that boundary is a work of science, diligence and labour; and the governments of both countries will be careful that a common mistake and publick misapprehension shall not produce individual injury.